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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,444	05/28/1999	MORIHIKO MINOWA	FUJO-16.155	8016

26304 7590 03/17/2004

KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER

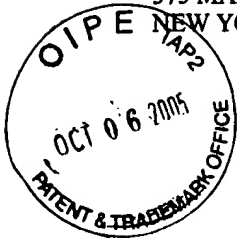
HO, DUC CHI

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 03/17/2004



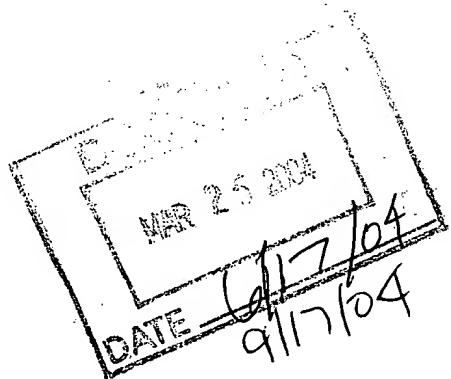
Please find below and/or attached an Office communication concerning this application or proceeding.

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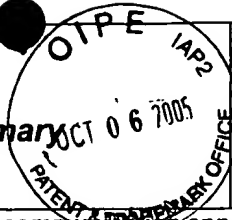
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# Office Action Summary



Application No.

09/322,444

Applicant(s)

MINOWA ET AL.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-15, and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 5-8, it is unclear what is intended to be the claim limitation by reciting "a correlation between an input spread signal.... and a spread code corresponding to each of the plurality of channels" in "a correlation between an input spread signal which is respectively transmitted over the plurality of channels and a spread code corresponding to each of the plurality of channels". The preamble of the claim claiming a receiving device, however, the path detector of the receiving device seems to correlate the input spread signal to a spread code corresponding to each of the plurality of channels, of which the two correlated elements refer to that of a transmitter instead of a receiver. The following claim language seems to suggest a correlation occurs at a receiving device by the path detector: "a correlation between each received spread (data) signals.... and a spread code corresponding to each received spread signals in a respective channel". The same remark applies to claims 4, 5, 6, and 13.

Regarding claim 1, lines 10-11, it is unclear what is intended to be the claim limitation by reciting "demodulating a corresponding spread signal among the spread signals according to the timing signal generated by said path detector" in "a plurality of despread demodulators, which are arranged for the plurality of channels, for demodulating a corresponding spread signal among the spread signals according to the timing signal generated by said path detector". The recitation seems to emphasize a single function of all the despread demodulators – that is to demodulate a particular spread signal among the spread signals according to the timing signal generated by the path detector for all channels, which is untrue. The same remark applies to claims 4, 5, 6, 13, 18, and 19.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750

4. Any response to this action should be mailed to:

Application/Control Number: 09/322,444

Page 4

Art Unit: 2665

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

(703)- 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive,

Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner

  
Duc Ho

3-15-04